



SUMMARY MINUTES – APRIL 7, 2008

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members Present:

Sean Harrigan, President
Richard Costigan, Vice President
Anne Sheehan, Member*
Maeley Tom, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER

- Suzanne M. Ambrose

• **SSA Exam**

- There are 9039 candidates on the SSA list, which is a passage rate of 87.95%;
- 598 hires have been made off of the list since August;
- Terry Silva is the acting head of the Psychological Screening Unit, and her transition into the unit (after the retirement of the Chief Psychologist) has been going smoothly;
 - Dr. Jeanne Wilcox has been hired as a staff psychologist within the Psychological Screening Unit;
- Today is SPB's Senate Budget Hearing;
- Next week SPB is cosponsoring a Workforce Planning Conference with DPA. This will be an all day event at the Ziggurat.

3. REPORT OF THE CHIEF COUNSEL

- Elise S. Rose

- In Plata, et al. v. Schwarzenegger, et al, the parties signed a stipulation for an extension of time so that the Receiver's Office could file its brief in federal court; the Reply is due April 14, 2008.

4. REPORT ON LEGISLATION

- Stephanie Ramirez-Ridgeway

- Staff has been diligently working to prepare analyses for the Board's review, and has submitted 12 analyses for the Board's consideration. These will be discussed in closed session.
- In addition, staff has been working with legislative staff on the following:
 - Staff has been in discussions with Dana Mitchell of Assembly Member Karnette's office regarding AB 2308. With the caveat that the Board

*Member Sheehan was present for the morning session only and left after Item 11

- has not yet taken a position on AB 2308, staff has suggested that the bill be amended so that a validation study is no longer needed. Ms. Mitchell is awaiting the Board's analysis.
- Staff has also been in discussions with Elena Jannell of AFSCME and Sandra Debourelando from Assembly Member Solorio's office regarding AB 2753, which would mandate that all civil service social worker classifications contain specified educational requirements. Staff has suggested some ways that AB 2753 may be amended to better accomplish the stated purpose without codifying the minimum qualifications for any particular class.
- AB 2635 was amended to require the SPB create a program to assist severely disabled employees gain civil service employment. Staff is analyzing that bill, which will be heard in committee on April 9, 2008, and will discuss this further with the Board in closed session.
- Staff has also been in communication with the Department of Personnel Administration (DPA) and Ken Devore from Senator Ashburn's office regarding SB 1472, which is the SPB's service of process and clean-up legislation bill. SPB is working jointly with DPA on an amendment that staff believes is necessary to effectuate the purpose of the bill and this will be discussed in closed session.

5. REPORT OF THE RECEIVER

- J. Clark Kelso

J. Clark Kelso addressed the Board and requested that the Board adopt the Receiver's Peer Review Proposal.

6. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)

- Anne Sheehan

Member Anne Sheehan reported on the recent activities of the Public Employees' Retirement System.

7. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION

- DPA Representative

Dave Rechs gave a brief report on vacant classes that the Department of Personnel Administration proposes to abolish.

8. REPORT ON THE HUMAN RESOURCES MODERNIZATION PROJECT

- HR MOD Representative

Susan Garrett-Dukes reported on the recent activities of the HR Modernization Project.

9. REPORT OF COOPERATIVE PERSONNEL SERVICES

- Jerry Greenwell, Chief Executive Officer

Jerry Greenwell reported on Cooperative Personnel Services projects and activities.

10. NEW BUSINESS

NONE

11. INFORMATIONAL BRIEFING – LIMITED THREE-RANK ELIGIBILITY LISTS

- Mike Strazzo, State Personnel Board
- Michael Davis, HR Modernization Project
- Don Hayashida, Department of Justice
- Lorna Fong, Health & Human Services Agency
- Barbara Warner, Department of Health Care Services
- Cathy Reyes, Department of Public Health
- Chris Ford, California State Teachers Retirement System
- Debbie Strong, Franchise Tax Board
- Cynde Jones, Department of Fish & Game
- Carol Risley, Department of Developmental Services
- Sheryl Brooks, State Water Resources Control Board
- Christopher Voight, California Association of Professional Scientists (CAPS)

Staff and department representatives addressed the five-member Board concerning their request for limited three-rank eligibility lists.

ACTION: NOTED

12. ORAL ARGUMENT**

In the matter of **CASE NO. 07-0850A**. Appeal from non-punitive termination. Clinical Social Worker. Department of Corrections and Rehabilitation.

- Debra Ichimura, Staff Counsel, California Department of Corrections and Rehabilitation, representing the department.
- Robert Battle, Business Agent, American Federation of State, County and Municipal Employees, representing the appellant.

ACTION: SUBMITTED

13. BREAK

**Member Sheehan was not present from this point forward.

14. APPEALS DIVISION UPDATE

- Suzanne M. Ambrose, Executive Officer, State Personnel Board
- Paul Ramsey, Chief ALJ, State Personnel Board

Ms. Ambrose and Mr. Ramsey gave a brief report on the status of appeals and ongoing and future efforts to improve and modernize the manner in which appeals are processed, scheduled and heard.

ACTION: NOTED

15. HEARING - PROPOSED REGULATION CONCERNING SERVICE OF DOCUMENTS IN SPB PROCEEDINGS (2 CCR § 51.10)

- Bruce Monfross, Senior Staff Counsel, State Personnel Board
- Patricia Cano, Attorney, SEIU
- Kurt Heppler, Staff Counsel, Department of Consumer Affairs

ACTION: The Board directed staff to revise the current proposed regulation and report back at a future meeting.

16. HEARING – PERSONAL SERVICES CONTRACT NO. 07-05

- Department of Transportation
- SEIU Local 1000

Appeal by the Department of Transportation from Executive Officer's October 25, 2007, Decision disapproving a Personal Services Contract for Janitorial Services.

- Laurie Epstein-Terris, Attorney, Department of Transportation
- Anne Giese, Attorney, SEIU Local 1000

ACTION: The Board voted to adopt the decision of the Executive Officer, except as to those contracts for which SEIU withdrew its challenge prior to the issuance of the decision. The Board will vacate the decision as to those four cases.

17. LUNCH

18. SELECTION ANALYST CERTIFICATE PRESENTATION

- Suzanne M. Ambrose, California State Personnel Board

Libby Adams	Roger Fujita	Kathy Chan	Judith Montgomery
Julie Amaro	Sanvado Gayle	Fernando Chavez	Andrea Munoz
Peggy Atwell	Joseph Gershaneck	Joanna Doller	Tia Woods
JoAnne Byrne	Emily Gorrindo	Renee Evans	Maria Pires-Molina
Diana Campbell	Monica Grass	Robin Henry	Ryan Platt
Gwyneth Raymer	Sabrina Hernandez	Sandra Teague	Tamara Martinez-Long
Marion Springer	Kirsten Malme	Shannon Leach	

ACTION: NOTED

19. HEARING – PERSONAL SERVICES CONTRACT NO. 08-01
- Department of General Services
- SEIU Local 1000

Appeal by SEIU from Executive Officer's December 21, 2007, Decision Dismissing a Challenge to a Personal Services Contract for Information Technology Services.

- Deborah Yang, Staff Counsel, Department of General Services
- Anne Giese, Attorney, SEIU Local 1000

ACTION: The Board voted to adopt the decision of the Executive Officer.

20. HEARING – PERSONAL SERVICES CONTRACT NO. 08-02
- Department of Developmental Services
- SEIU Local 1000

Appeal by the Department of Developmental Services from Executive Officer's January 16, 2008, Decision Disapproving a Personal Services Contract for Information Technology Services.

- Anne Giese, Attorney, SEIU Local 1000
- Deborah Yang, Staff Counsel, Department of General Services

ACTION: The Board voted to adopt the decision of the Executive Officer.

21. BREAK

22. HEARING - DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

- State Personnel Board Staff
- Department of Transportation Representative
- Professional Engineers in California Government (PECG) Representative

Staff from the Professional Engineers in California Government (PECG) discussed multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PECG requested to address the five-member Board and interested parties.

ACTION: POSTPONED UNTIL NEXT MEETING

CLOSED SESSION OF THE STATE PERSONNEL BOARD

23. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.

[Government Code Sections 11126(c)(3), 18653(3)].

24. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code Sections 11126(c)(3), 18653].

25. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.

[Government Code sections 11126(e)(1), 18653].

California Highway Patrol, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Department of Industrial Relations v. SPB/Olga Garau

Los Angeles County Superior Court

Case No. BS113391

26. RECOMMENDATIONS TO THE LEGISLATURE

SUPPORT

AB 3042

NEUTRAL

AB 2603
SB 364

NO POSITION

AB 865
AB 1779
AB 1838
AB 2102

NO POSITION (Cont'd)

AB 3065
SB 1494
AB 2102

27. RECOMMENDATIONS TO THE GOVERNOR

NONE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

28. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR APRIL 22, 2008, IN SACRAMENTO, CALIFORNIA.

ACTION: NOTED

BOARD ACTIONS:

29. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE MARCH 4, 2008, BOARD MEETING.

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Clarey – Aye

30. ANNOUNCEMENT OF ACTIONS TAKEN ON EVIDENTIARY CASES

On April 7, 2008, the Board took the following action on the cases listed, as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Clarey – Aye

A. BOARD CASES SUBMITTED

These items were under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-4007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

ACTION: The Board issued a decision finding that Complainant, a contractor doing work for a company that has a contract with the Department of Transportation, failed to establish that the Board has jurisdiction to hear her complaint.

(2) CASE NO. 06-3014PA

Appeal from official reprimand

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

ACTION: The Board issued a Precedential Decision revoking the Letter of Reprimand issued to appellant, finding that his transfer was disciplinary in nature and concluding that, because the Department did not comply with the statutory notice requirements required for imposing valid discipline, the disciplinary transfer is invalid and must be revoked.

(3) CASE NO. 05-3327A

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

Oral argument continued.

Oral argument heard March 4, 2008, Los Angeles

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

These cases were argued at this meeting or was considered by the Board in closed session based on written arguments submitted by the parties.

(1) CASE NO. 07-0850A

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation

ACTION: SUBMITTED

C. CHIEF COUNSEL RESOLUTIONS

(1) CASE NO. 05-0929

Request for Further Order Pursuant to Government Code section 18710 and Motion for Order Nunc Pro Tunc

ACTION: The Board issued a Resolution referring this case to the Chief Administrative Law Judge with instructions to set the matter for a hearing on back-pay and any other issues that may be raised concerning the Department's compliance with the Board's Decision. In addition, the Resolution denies the Department's Motion for Order Nunc Pro Tunc.

(2) CASE NO. 07-2182

Decision Approving Stipulation for Settlement

ACTION: The Board issued a Resolution approving Stipulation for Settlement that approves the parties' stipulation, but includes additional language clarifying that, in approving the settlement, the Board expresses no opinion as to whether review of the revocation of appellant's clinical privileges by an entity other than the Board is consistent with Article VII of the California Constitution.

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS

These are ALJ proposed decisions that were submitted to the Board for the first time.

- (1) CASE NO. 07-0333**
Appeal from 30 days suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision
- (2) CASE NO. 06-2873BP**
Appeal for determination of back pay and interest
Classification: Chief, Highway Outdoor Advertising
Department: Department of Transportation
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the case for hearing on the merits.
- (3) CASE NO. 04-2284**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of Corrections & Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (4) CASE NO. 07-2164**
Appeal from ten percent reduction in salary for six months
Classification: Psychiatric Technician
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision
- (5) CASE NO. 07-2625**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT A PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) CASE NO. 06-2706P

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections & Rehabilitation

ACTION: The Board granted the Petition for Rehearing and asked the parties to brief the following issues:

- a) Whether the ALJ's finding were supported by evidence on the record;
- b) Whether the Office of the Inspector General may observe evidentiary hearings involving peace officers employed by the Department of Corrections and Rehabilitation.

(2) CASE NO. 06-3553P

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: DENIED

(3) CASE NO. 06-1683P

Appeal from dismissal

Classification: Office Technician (Typing)

Department: Department of Corrections and Rehabilitation

ACTION: DENIED

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

(1) CASE NO. 07-0850A

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.
Transcript prepared.
Oral argument set for February 4-5, 2008, Sacramento.
Oral argument continued.
Oral argument set for March 3-4, 2008, Los Angeles.
Oral argument continued.
Oral argument set for April 7, 2008, Sacramento.
ACTION: SUBMITTED

(2) **CASE NO. 06-3747A**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
Proposed decision rejected January 8, 2008.
Transcript prepared.
Oral argument set for May 12-13, 2008, Sacramento.
NO ACTION

(3) **CASE NO. 07-2189A**
Appeal from non-punitive termination
Classification: Vocational Instructor (Welding)
Department: Department of Corrections and Rehabilitation
Proposed decision rejected March 4, 2008.
Pending transcript.
NO ACTION

31. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Clarey – Aye

32. ANNOUNCEMENT OF ACTIONS TAKEN ON NON-EVIDENTIARY CASES

On April 7, 2008, the Board took the following action on the cases listed, as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Clarey – Aye

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) CASE NO. 06-4628N**
Department: Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest and accurate information in his PHS.
ACTION: DENIED
- (2) CASE NO. 06-2584N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; illegal drug use.
ACTION: REMANDED TO STAFF
- (3) CASE NO. 06-4683N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to respond to requests for additional information.
ACTION: DENIED
- (4) CASE NO. 06-3453N**
Department: The Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest and accurate information and negative law enforcement contacts.
ACTION: DENIED
- (5) CASE NO. 07-0248N**
Department: The Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest, accurate and timely information.
ACTION: DENIED

- (6) **CASE NO. 06-3129N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omitted information, had a negative employment record, and failed to comply with legal obligations.
ACTION: DENIED
- (7) **CASE NO. 06-4667N**
Department: California Department of Social Services
Classification: Associate Governmental Program Analyst
Issue: Suitability; does not meet the minimum experience qualifications.
ACTION: DENIED
- (8) **CASE NO. 06-3211N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; pending civil lawsuit.
ACTION: REMANDED TO STAFF
- (9) **CASE NO. 06-4749N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; illegal drug use.
ACTION: DENIED
- (10) **CASE NO. 06-3910N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omission of information.
ACTION: DENIED
- (11) **CASE NO. 06-4611N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omission of information.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-4224N**
Department: California Department of Parks and Recreation
Classification: State Park Ranger, Cadet
Issue: Suitability; does not meet the vision acuity standard.
ACTION: DENIED

DISMISSED CASES

- (1) **CASE NO. 08-0112N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
- (2) **CASE NO. 07-1725N**
Classification: Communications Operator
Department: Department of Parks and Recreation
- (3) **CASE NO. 07-5391N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation

C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

33. NON-HEARING AGENDA

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) ALTERNATE RANGE CRITERIA (ARC) 30, CALIFORNIA ENERGY COMMISSION

The California Energy Commission proposes revisions to ARC 30 for the Energy Analyst Classification, to mirror the recent changes to the Staff Services Analyst Classification.

ACTION: ADOPTED

(2) DIVISION CHIEF, DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control is proposing the re-establishment of the Division Chief, Department of Toxic Substances Control classification. This classification was abolished prematurely at the January 6, 2006 Board meeting. There are no changes being proposed to the abolished classification specification.

ACTION: ADOPTED

(3) RECEIVER'S NURSE EXECUTIVE (SAFETY)

The Department of Corrections and Rehabilitation requests that a minor specification revision be approved to more accurately reflect the safety retirement category and also the role of health care staff in maintaining order within an institution and protecting public property. This language mirrors language included in the Receiver's Medical Executive (Safety) class adopted on January 22, 2008.

ACTION: ADOPTED

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

NONE

34. STAFF AGENDA ITEMS FOR BOARD INFORMATION

NONE

35. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

The second section of this portion of the Minutes reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) CHIEF, OFFICE OF SELF-INSURANCE PLANS

The Department of Industrial Relations proposes to reallocate the above limited term CEA position to a permanent allocation. The position is in charge of the certification of employers to self-insure for workers' compensation liabilities, and for groups of smaller employers.

(2) ASSISTANT ASSOCIATE SECRETARY, OFFICE OF LEGISLATION AFFAIRS

The Health and Human Services Agency proposes to reallocate the above 12-month limited term CEA position to a permanent allocation. The position manages day-to-day operations of the Office of Legislative Affairs, but also influences and determines legislative decisions and actions for all CHHS departments, offices, and board.

(3) CHIEF INFORMATION OFFICER

The Department of Corrections and Rehabilitation, Plata Personnel, proposes to allocate the above position to the CEA category. The position participates in strategic and operational governance processes of the Receivership, provides vision and leadership for developing and implementing information technology initiatives. The Chief Information Officer directs the planning and implementation of enterprise IT systems.

(4) DEPUTY DIRECTOR, COUNTY FACILITIES CONSTRUCTION (CFC), CORRECTIONS STANDARDS AUTHORITY (CSA)

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The position is responsible for planning, organizing, and directing all program activities and policy in accordance with Assembly Bill 900, Public

Safety and Offender Rehabilitation Services Act of 2007. The Deputy Director, CFC, will be the principle policy maker for the administration of the laws, rules, and regulations relating to statewide minimum standards for state and local detention facilities, and the administration and management of the processes for awarding and monitoring state/lease/revenue bonds.

(5) BUREAU CHIEF, DENTAL BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position is responsible for carrying out the objectives of the strategic plan, which is charged with licensing and regulating the practice of dental health professionals comprised of dentists and licensed dental auxiliaries in California. The position serves as a primary consultant and has a continuous policy influencing role.

(6) BUREAU CHIEF, VOCATIONAL NURSING AND PSYCHIATRIC TECHNICAL BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The position ensures that the statutory mandate to protect the public is met and will be the primary consultant and advisor on policy development, planning, analysis, and evaluation of overall operations, legislation and enforcement of the regulatory requirements over licensees and educational programs.

(7) BUREAU CHIEF, SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position implements and advances the policies and strategic plan objectives for the Bureau including policy administration, development, oversight and management.

(8) BUREAU CHIEF, BARBERING AND COSMETOLOGY BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position has delegated authority to act on behalf of the Chief Deputy Director, DCA, in the full range of policy and administrative duties. The Bureau Chief will serve as a top management advisor on all matters relating to the examinations, licensing, inspections and enforcement.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) CHIEF, OFFICE OF POLLUTION PREVENTION AND TECHNOLOGY DEVELOPMENT

The Department of Toxic Substances Control's request to allocate the above position was approved effective February 29, 2008.

(2) FISCAL PROJECT EXECUTIVE

The Department of Finance's request to allocate the above position was approved effective February 29, 2008.

(3) CHIEF, BUSINESS OPERATIONS, 21ST CENTURY PROJECT

The State Controller's request to allocate the above position was approved effective March 5, 2008.

(4) COMPSTAT ADMINISTRATOR

The Department of Corrections and Rehabilitation's request to allocate the above position was approved effective March 5, 2008.

(5) CHIEF, INTERNAL AUDITS AND INVESTIGATIONS

The Department of Health Care Services' request to allocate the above position was approved effective March 5, 2008.

(6) DEPUTY DIRECTOR, CENTER FOR FAMILY HEALTH CARE

The Department of Public Health's request to allocate the above position was approved effective March 5, 2008.

(7) BUSINESS DEPUTY, PRISON SYSTEM RESUMPTION PROJECT

The California Public Employees' Retirement System's request to allocate the above position was effective approved March 5, 2008.

(8) ASSISTANT DEPUTY DIRECTOR, CENTER FOR FAMILY HEALTH

The Department of Public Health's request to allocate the above position was approved effective March 7, 2008.

(9) DEPUTY DIRECTOR, EXTERNAL AFFAIRS, OFFICE OF PUBLIC AND EMPLOYEE COMMUNICATIONS

The Department of Corrections and Rehabilitation's request to allocate the above position was approved effective March 7, 2008.

(10) DEPUTY COMMISSIONER, CREDIT UNION PROGRAMS

The Department of Financial Institutions' request to allocate the above position was approved effective March 7, 2008.

(11) GENERAL COUNSEL

The Department of Alcoholic Beverage Control's request to allocate the above position was approved effective March 7, 2008.

ACTION: NOTED

36. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

37. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

38. BOARD ACTIONS ON SUBMITTED ITEMS

These items were taken under submission by the State Personnel Board at a prior meeting and may have been before the Board for a vote at this meeting.

(1) PERSONAL SERVICES CONTRACT NO. 04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004).

NO ACTION

(2) CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007).

ACTION: The Board issued a decision finding that Complainant, a contractor doing work for a company that has a contract with the Department of Transportation, failed to establish that the Board has jurisdiction to hear her complaint.

- (3) **CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and rehabilitation.
(Oral argument held on December 4, 2007).

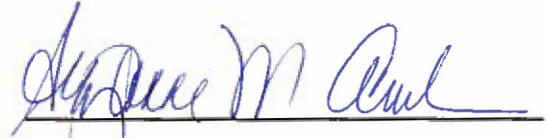
ACTION: The Board issued a Precedential Decision revoking the Letter of Reprimand issued to appellant, finding that his transfer was disciplinary in nature and concluding that, because the Department did not comply with the statutory notice requirements required for imposing valid discipline, the disciplinary transfer is invalid and must be revoked.

- (4) **CASE NO. 07-0850A.** Appeal from non-punitive termination. Clinical Social Worker. Department of Corrections and Rehabilitation.
(Oral argument held on April 7, 2008.)

NO ACTION

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on May 13, 2008.

VOTE: Costigan, Tom, Clarey – Aye



Suzanne M. Ambrose
Executive Officer
California State Personnel Board